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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/773,248

02/01/2001

Scott Keller

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EXAMINER

AZARIAN, SEYED H

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/773,248

**Applicant(s)**

KELLER ET AL.

**Examiner**

Seyed Azarian

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **RESPONSE TO AMENDMENT**

1. Applicant's amendment filed, 1/2/2004, has been entered and made of record.
2. Applicants' arguments with regards to Claims 1-8, 10 and 12-16, have been fully considered but they are not persuasive.
3. Applicants' argues in essence that Inga does not teach, "predetermined subscription conditions".

Contrary to the applicant's assertion, Inga discloses a system for: "Fig. 1, an automated high image storage, retrieval and transmission system generally indicated for use with medical X-ray film or other documents to provide simultaneous automated access to common data base by a **plurality of remote subscribers upon request from the remote subscribers** (column 6, lines 58-64), also medical X-ray film (examination) or other document into digital data, an image data storage and retrieval to store and selectively transfer digital data upon request, a telecommunication means to selectively (specified ) receive digital data (column 6, line 65 through column 7, line 12), further each files received is logged into the control computer and always knows what disk location in the CD contains and specified files (condition), (column 11, lines 20-38).

In response to applicant's argument, limitation in amended claim, "specification procedures ", as indicated by Inga teaches the following features: these pattern specification, typically data bytes or 16 bits are then routed to a pattern selection processor which accesses the predefined patterns from Read-Only Memory device, which received from decompression

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(column 17, lines 14-34). Additionally, Inga discloses readable indicia containing key patient information to provide file access and identification (column 7, lines 13-23).

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 10 and 12-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Inga et al (U.S. patent 5,384,643) in view of Bacus et al (U.S. patent 6,396,941).

Regarding claim 1, Inga et al discloses image transmission system with pattern data compression comprising;

an image transmitting system comprising an image server and a display terminal connected via a network (column 9, lines 11-22, visual display terminal and communications networks);

said image server is provided with a function capable of classifying image data according to the predetermined subscription conditions and creating at least one folder for managing said image data (column 13, lines 11-27, refer to classification of images);

said display terminal is provided with a function for specifying the subscription of a desired folder (column 4, lines 30-42, storage of patient information refer to folder).

when new image data satisfying the predetermined subscription conditions of aforementioned desired folder has been stored in the image server, acquiring notification thereof and/or said new image data (column 11, lines 20-37, receiving new image data).

However Inga et al is silent about “creating a folder”. On the other hand Bacus et al teaches (column 32, lines 15-25, the folder names can be edited to put specific images into different folders for automatic folder generation).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Inga et al invention according to the teaching of Bacus et al because it provides requests to the server indicating the portion which is desired to be view and supplies the appropriate information to avoid cost and improve speed.

Regarding claim 2, Inga et al discloses an image transmitting method of an image transmitting system comprising an image server and a display terminal connected via a network, wherein, image data is classified according to the predetermined subscription conditions and at least one folder for managing said image data is created in said image server (column 12, lines 26-42, transmitting data for visual display);

and the subscription of the desired folder is specified at said display terminal, and when new image data satisfying the predetermined subscription conditions of aforementioned desired folder has been stored in the image server, notification thereof and/or said new image data is acquired by said display terminal (column 11, lines 20-37, receiving new image data).

Regarding claim 3, Inga et al discloses a computer-accessible storage medium for recording a program that causes a computer to execute the image transmitting method of the image transmitting system comprising an image server and a display terminal connected via a

network, wherein, said program contains procedures for classifying image data according to the predetermined subscription conditions (column 10, line 58 through column 11, line 2, refer to data storage and image data recording).

Regarding claim 4, Inga et al discloses a computer-accessible storage medium for recording a program that causes a computer to execute the image transmitting method of the image transmitting system comprising an image server and a display terminal connected via a network, wherein said program contains specification procedures for specifying a desired folder from among the folders, of which there are at least one, created in the image server for classifying according to the predetermined subscription conditions (column 11, lines 20-37m new images and specified file).

Regarding claim 5, Inga et al discloses an image server of the image transmitting system comprising an image server and a display terminal connected via a network, wherein; said image server is provided with a function for classifying image data according to the predetermined subscription conditions and creating at least one folder for managing said image data (column 13, lines 11-27, refer to classification of images).

Regarding claim 7, Inga et al discloses an image transmitting system comprising an image server and a display terminal connected via a network, wherein said image server is provided with a function capable of classifying image data according to the predetermined subscription conditions and creating at least one folder for managing said image data said display terminal is provided a function for specifying the subscription of the desired folder, and when new image data has been stored in said desired folder, notification thereof and/or said new image data is

acquired by said display terminal (column 17, lines 15-32, pattern specification and graphics display).

Regarding claim 13, Inga et al discloses a computer-accessible storage medium for recording a program that causes a computer to execute the image transmitting method of the image transmitting system comprising an image server and a display terminal connected via a network, wherein said program contains procedures for classifying image data and creating at least one folder for managing said image data (column 10, line 58 through column 11, line 2, refer to data storage and image data recording).

Regarding claim 14, Inga et al discloses an image server and a display terminal connected via a network, wherein; said image server is provided with acquisition procedures for, when new image data satisfying predetermined subscription condition is stored in image sever (column 9, lines 11-22, visual display terminal and communications networks and column 4, lines 30-42, storage of patient information refer to folder).

Regarding claim 16, Inga et al discloses the image server wherein the predetermined subscription conditions further comprises at least one of image data from a specific examination (column 8, lines 40-48, specific presentation terminal types for use in a physician's office).

Regarding claims 6, 8, 10, 12 and 15, it recites similar limitation as claims 1 and 4, are similarly analyzed.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Seyed Azarian

Patent Examiner

Group Art Unit 2625

February 29, 2004



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**SUPERVISORY PATENT EXAMINER**  
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